

# HOUSE . . . . . No. 160

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By Mr. Honan of Boston, petition of Kevin G. Honan relative to financing the smart growth housing trust fund. Community Development and Small Business.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand and Seven.

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### AN ACT RELATIVE TO FINANCING THE SMART GROWTH HOUSING TRUST FUND.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 10 of the General Laws, as appearing in  
2 the 2004 Official Edition, is hereby amended by striking out  
3 section 35AA, and inserting in place thereof the following  
4 section:—

5 Section 35AA. There shall be established and set upon the  
6 books of the commonwealth a separate fund to be known as the  
7 Smart Growth Housing Trust Fund to be used, without appropria-  
8 tion, by the department of housing and community development  
9 and the department of revenue for the purpose of making pay-  
10 ments to communities under section 10 of chapter 40R and  
11 section 3 of chapter 40S. Available revenues from the sale of  
12 state surplus lands, as provided for in law, revenue received by the  
13 commonwealth pursuant to section 6L of chapter 62, appropria-  
14 tions from the General Fund and monetary sanctions imposed by  
15 the department of housing and community development under  
16 subsection (c) of section 7 of said chapter 40R shall be deposited  
17 into the Trust Fund. All monies deposited into the Fund shall be  
18 expended exclusively for the purposes set forth in this section.  
19 No expenditure from said Fund shall cause said Fund to be in  
20 deficiency at the close of a fiscal year. No later than December 1  
21 of each year, the department of housing and community develop-  
22 ment, after consultation with the department of revenue and the  
23 department of education, shall estimate the anticipated obligations

24 under chapter 40R and chapter 40S during the next occurring cal-  
25 endar year. In January of each year, any amount in the Trust  
26 Fund exceeding one and one-half times the anticipated obligations  
27 for that year shall be paid over to the General Fund.

1 SECTION 2. Section 1 of chapter 40S, as appearing in the  
2 2004 Official Edition, is hereby amended by adding the following  
3 definition:—  
4 “Trust fund”, the Smart Growth Housing Trust Fund, estab-  
5 lished by section 35AA of chapter 10.

1 SECTION 3. Section 2 of said chapter 40S, as so appearing, is  
2 hereby amended by striking out, in line 1, the words “Subject to  
3 appropriation” and inserting in place thereof the following  
4 words:— From the trust fund.

1 SECTION 4. Section 3 of said chapter 40S, as so appearing, is  
2 hereby amended by striking out subsection (f) and inserting in  
3 place thereof the following subsection:—  
4 (f) Upon receipt of all data and calculations required by this  
5 section, the division of local services shall calculate the smart  
6 growth school cost reimbursement pursuant to section 2. The  
7 commissioner of revenue shall make a single payment from the  
8 Trust Fund to each municipality for the amount of its smart  
9 growth school cost reimbursement; provided however, if the Trust  
10 Fund is insufficient to fully fund the cost of the reimbursement,  
11 the division shall calculate the percentage of each municipality’s  
12 reimbursement as a share of the statewide reimbursement, and  
13 prorate each municipality’s reimbursement proportionally.

1 SECTION 5. Chapter 62 of the General Laws, as appearing in  
2 the 2004 Official Edition, is hereby amended by inserting after  
3 section 6K the following section:—  
4 Section 6L. The commissioner shall, upon receipt of a list of  
5 addresses of new smart growth development pursuant to section 3  
6 of chapter 40S, identify every individual inhabitant of such  
7 addresses filing a return of income pursuant to section 6 of  
8 chapter 62C. All revenue received by the commonwealth pur-  
9 suant to chapter 62 from any resident or inhabitant domiciled, or

10 with a place of abode, in newly constructed or substantially reno-  
11 vated housing in an approved and certified smart growth zoning  
12 district as defined by chapter 40R, shall be credited by the comp-  
13 troller to the Smart Growth Trust Fund as established by  
14 section 35AA of chapter 10.